

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of the Petition of Intrado Communications) of Virginia Inc. for Arbitration) Pursuant to Section 252(b) of the Communications Act) of 1934, as amended, to Establish an Interconnection) Agreement with Central Telephone Company of Virginia) and United Telephone - Southeast, Inc.))	WC Docket No. 08-33
In the Matter of the Petition of Intrado Communications) of Virginia Inc. for Arbitration Pursuant to Section) 252(b) of the Communications Act of 1934, as amended,) to Establish an Interconnection Agreement with Verizon) South Inc. and Verizon Virginia Inc.))	WC Docket No. 08-185

**ELEVENTH CONSOLIDATED STATUS REPORT
OF INTRADO COMMUNICATIONS OF VIRGINIA INC.**

Intrado Communications of Virginia Inc. ("Intrado Comm"), by its attorneys, respectfully submits this Eleventh Consolidated Status Report in response to the request from staff of the Wireline Competition Bureau of the Federal Communications Commission. This report provides information regarding the status of negotiations between Intrado Comm and Central Telephone Company of Virginia and United Telephone –Southeast, Inc. (collectively, "Embarq"), including the status of other state arbitration proceedings pending between Intrado Comm and Embarq. There have been no further regulatory developments regarding the Intrado Comm/Embarq arbitrations since the Tenth Consolidated Status Report.

This report also provides information regarding the status of negotiations between Intrado Comm and Verizon South Inc., Verizon North Inc., Verizon Virginia Inc. and Verizon Florida, LLC (collectively, "Verizon"), including the status of other state arbitration proceedings pending

between Intrado Comm and Verizon. The following has occurred since Intrado Comm's Tenth Consolidated Status Report filed April 23, 2009:

Maryland - On April 28, 2009, Verizon filed a Response to Intrado Comm's Request for Reconsideration of the Hearing Examiner's Scheduling Notice.¹ A copy of Verizon's Response to Intrado Comm's Request for Reconsideration is set forth in **Attachment 1**.

Florida - On April 23, 2009, the Staff of the Florida Public Service Commission ("Florida Commission") issued recommendations regarding Verizon's Motion for Summary Final Order.² A copy of the Florida Staff Memorandum is set forth in **Attachment 2**. On April 29, 2009, Verizon sent a letter to the Florida Public Services Commission withdrawing its Motion for Summary Final Order. A copy of Verizon's letter is set forth in **Attachment 3**. On May 5, 2009, the Florida Commission's Vote Sheet was released, evincing withdrawal of the issues presented in Verizon's Motion for Summary Final Order from the Florida Commission's consideration. A copy of the Florida Commission's Vote Sheet is set forth in **Attachment 4**.

On April 27, 2009, Intrado Comm filed Objections and Responses to Verizon Florida LLC's First Set of Interrogatories (Nos. 1-9) and First Requests for Production of Documents (Nos. 1-2) with the Florida Commission. A copy of Intrado Comm's Objections and Responses to Verizon's First Set of Interrogatories (Nos. 1-9) are set forth in **Attachment 5**, and a copy of Intrado Comm's Objections and Responses to Verizon Florida LLC's First Requests for Production of Documents (Nos. 1-2) are set forth in **Attachment 6**.

¹ A copy of Intrado Comm's Request for Reconsideration of the Hearing Examiner's Scheduling Notice was included in Intrado Comm's Tenth Consolidated Status Report, set forth as Attachment 1. The Hearing Examiner's Scheduling Notice was included in Intrado Comm's Ninth Consolidated Status Report, set forth as Attachment 3.

² A copy of Verizon's Motion for Final Summary Order was included in Intrado Comm's Second

Respectfully submitted,

**INTRADO COMMUNICATIONS OF
VIRGINIA INC.**

Craig W. Donaldson
Senior Vice President - Regulatory & Government
Affairs, Regulatory Counsel

Rebecca Ballesteros
Assistant General Counsel

Intrado Communications of Virginia Inc.
1601 Dry Creek Drive
Longmont, CO 80503
720-494-5800 (telephone)
720-494-6600 (facsimile)

/s/ Chérie R. Kiser

Chérie R. Kiser
Susan C. Goldhar
Cahill Gordon & Reindel LLP
1990 K Street, N.W.
Suite 950
Washington, D.C. 20554
202-862-8900 (telephone)
202-862-8958 (facsimile)
ckiser@cgrdc.com
sgoldhar@cgrdc.com

Dated: May 7, 2009

Its Attorneys

CERTIFICATE OF SERVICE

I, Susan C. Goldhar, certify that on this 7th day of May 2009, I served a copy of the foregoing Consolidated Status Report on the following via the method indicated:

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Via ECFS

Christi Shewman
Stephanie Weiner
Wireline Competition Bureau
445 12th Street, SW
Washington, DC 20554
Via Electronic Mail

John E. Benedict
Embarq
701 Pennsylvania Avenue, NW, Suite 820
Washington, DC 20004
Via Electronic Mail

Edward Phillips
Embarq
14111 Capital Boulevard
Wake Forest, NC 27587
Mailstop: NCWKFR0313
Via Electronic Mail

Kathleen Grillo
Verizon
1300 I Street, NW, Suite 400 West
Washington, DC 20005
Via Electronic Mail

Leslie V. Owsley
Verizon
1320 North Courthouse Road, 9th Floor
Arlington, VA 22201
Via Electronic Mail

/s/ Susan C. Goldhar

Susan C. Goldhar

Attachment 1



Leigh A. Hyer
Vice President & General Counsel
Mid-Atlantic North Region

1 East Pratt St
Fl 10E
Baltimore, MD 21202
Voice: (410) 393-7725
Fax: (410) 393-4078
leigh.a.hyer@verizon.com

April 28, 2009

Via E-File and Hand Delivery

Ms. Terry J. Romine
Executive Secretary
Public Service Commission of Maryland
William Donald Schaefer Tower
6 St. Paul Street, 16th Floor
Baltimore, Maryland 21202-6806

Re: Case No: 9138 - In the Matter of the Petition of Intrado Communications Inc for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934 as Amended, to Establish an Interconnection Agreement with Verizon Maryland Inc.

Dear Ms. Romine:

Enclosed please find an original and fourteen (14) copies of Verizon Maryland Inc.'s Response to Intrado Communication Inc.'s Request for Reconsideration of the Hearing Examiner's Scheduling Notice in the above mentioned matter.

Please do not hesitate to contact me at (410) 393-7725 with any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "LAH", followed by a horizontal line.

Leigh A. Hyer

LAH

Enclosures
cc: All parties of Record

BEFORE THE
PUBLIC SERVICE COMMISSION
OF MARYLAND

IN THE MATTER OF THE PETITION OF)	
INTRADO COMMUNICATIONS INC. FOR)	
ARBITRATION TO ESTABLISH AN)	Case No. 9138
INTERCONNECTION AGREEMENT WITH)	
VERIZON MARYLAND INC. PURSUANT TO)	
THE FEDERAL TELECOMMUNICATIONS ACT)	

**VERIZON MARYLAND INC.'S RESPONSE TO INTRADO
COMMUNICATIONS INC.'S REQUEST FOR RECONSIDERATION
OF THE HEARING EXAMINER'S SCHEDULING NOTICE**

Verizon Maryland Inc. ("Verizon") hereby responds to Intrado Communications Inc.'s ("Intrado Comm") Request for Reconsideration of the Hearing Examiner's Scheduling Notice. The Hearing Examiner's Scheduling Notice was an appropriate use of discretion. Even if a request for reconsideration of a scheduling notice—which is not a substantive decision—were appropriate (and it is not), Intrado's Request lacks merit.

There is no dispute that the issues raised by the Intrado/Verizon Virginia arbitration now before the FCC's Wireline Competition Bureau ("Bureau") are substantively identical to those raised in this proceeding.¹ Nor is there any dispute that the Bureau has informed the parties to that proceeding that it expected to issue a ruling in early May.² In Maryland, the Commission is bound by statute to ensure that its policies

¹ *Petition of Intrado Communications of Virginia Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Arbitration of an Interconnection Agreement with Central Telephone Company of Virginia and United Telephone – Southeast, Inc. (collectively, Embarg),* WC Docket No. 08-33; *Petition of Intrado Communications of Virginia Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Arbitration of an Interconnection Agreement with Verizon South Inc. and Verizon Virginia Inc. (collectively, Verizon),* WC Docket No. 08-185 (consolidated by Order released Dec. 9, 2008, FCC No. DA 08-2682).

² Intrado, in its Request, implies that the Bureau's self-imposed deadline was limited to the threshold jurisdictional issue of whether or not Intrado may invoke Section 251(c). That is incorrect; in response to a specific Intrado query on that point, the Bureau did not limit itself to that issue. Thus, Intrado's

and rulings regarding competition in the telecommunications market are consistent with the federal Telecom Act, as well as FCC policies and regulations interpreting the Act.³ Accordingly, even without reference to the threshold jurisdictional issue of Intrado's eligibility for Section 251(c) interconnection, the Scheduling Notice appropriately recognized the potential guidance that the Bureau's decision will provide, and is a sensible, efficient approach well within the discretion of the Hearing Examiner.

Moreover, as the Hearing Examiner pointed out, "eligibility for Section 251(c) arbitration is perhaps the most significant issue in this case."⁴ Intrado's Request is premised on its notion that the Commission lacks the authority to determine that "threshold jurisdictional question" merely because it is not one of the substantive issues raised by the parties. The fact that these lists do not present as an arbitration issue the question of Intrado's entitlement to section 251(c) interconnection does not mean that this fundamental jurisdictional issue does not exist. Obviously, the Commission cannot act in any case unless it has jurisdiction to do so. Here, the Commission cannot impose on incumbent local exchange carriers requirements that are inconsistent with sections 251 and 252 of the Act and the FCC's rules implementing those provisions.

Accordingly, Intrado's suggestion that the Commission *lacks the authority* to determine, as a threshold matter, Intrado's qualifications for 251(c) is absurd. Section 251(c), by its terms, only applies to providers of telephone exchange service and

fundamental argument – that the Hearing Examiner should not refrain from issuing a decision until the pending Bureau decision because of Intrado's assertion that the threshold jurisdictional question is not present here – is beside the point (as well as incorrect.) A Bureau decision on the substantive issues, identical to those here, would itself provide useful guidance to this Commission.

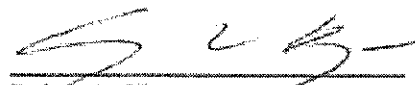
³ Md. Code Section 8-501(b): "*Consistency with federal and State law, policies, and regulations.*- Policies and regulations adopted by the Commission under this section shall be consistent with federal law, policies and regulations of the Federal Communications Commission, Title 4 of this article, and any other applicable provisions of Maryland law."

⁴ Scheduling Notice at 1.

exchange access. 47 U.S.C. § 251(c). Under Intrado's interpretation of Section 252, however, the Commission would be *required* to apply Section 251(c) obligations upon the parties *even if* one or both of those parties do not meet the requirements for Section 251(c) to apply. Put another way, under the assumption (or a finding by the FCC Bureau) that Intrado does not provide local exchange service, Intrado contends that the Commission would still have to issue an arbitration award because the jurisdictional question was not included in the Issues Matrix. But that places the Commission in the untenable (and nonsensical) position of ignoring federal law (the threshold requirements of 251(c)) in order to comply with federal law (or, at least, Intrado's interpretation of Section 252).

In sum, the Scheduling Notice was an appropriate use of the Hearing Examiner's discretion in setting the schedule of this proceeding. Moreover, Intrado is incorrect that the Commission lacks the authority both to take guidance from the Bureau's forthcoming decision and to determine the threshold jurisdictional question of whether Section 251(c) applies to Intrado's services. For these reasons, the Commission should reject Intrado's Request for Reconsideration.

Respectfully submitted,




Leigh A. Hyer
Joseph M. Ruggiero
1 East Pratt Street
Floor 10E
Baltimore, MD 20202
(410) 393-7725

Attorneys for Verizon Maryland Inc.

Dated: April 28, 2009

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April, 2009, a copy of Verizon Maryland Inc.'s Response to Intrado Communications Inc.'s Request for Reconsideration of the Hearing Examiner's Scheduling Notice in Case No. 9138, was served on the Public Service Commission of Maryland via e-file and by hand and on all parties on the service list via U.S.mail.



Dawn K. Cooper

Attachment 2

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 23, 2009

TO: Office of Commission Clerk (Cole)

FROM: Division of Regulatory Compliance (Trueblood)
Office of the General Counsel (Tan)

RE: Docket No. 080134-TP -- Petition by Intrado Communications, Inc. for arbitration to establish an interconnection agreement with Verizon Florida LLC, pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Section 364.162, F.S.

AGENDA: 05/05/09 – Regular Agenda – Oral Argument Not Requested

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: McMurrian

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\RCP\WP\080134.RCM.DOC

Case Background

On March 5, 2008, Intrado Communications, Inc. (Intrado Comm) filed its Petition for Arbitration with Verizon Florida LLC (Verizon) pursuant to Section 252(b) of the Communications Act of 1934, as amended; Sections 120.80(13), 120.57(1), 364.16, 364.161, and 364.162, Florida Statutes (F.S.); and Rule 28-106.201, Florida Administrative Code (F.A.C.). On November 12, 2008, an Order Establishing Procedure was issued setting this proceeding for hearing. On December 16, 2008, Verizon filed a Motion for Summary Final Order.

On December 19, 2008, Intrado Comm filed a Motion to Hold in Abeyance this proceeding pending the resolution of Motions for Reconsideration filed in December, in its arbitration proceedings in Docket No. 070699-TP with Embarq Florida, Inc. (Embarq) and in Docket No. 070736-TP with BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T). On January 22, 2009, Order No. PSC-09-0053-PCO-TP was issued granting Intrado Comm's Motion for Abeyance.

On March 3, 2009, the Commission ruled on Intrado Comm's Motions for Reconsideration in the Embarq and AT&T arbitration dockets. On March 16, 2009, the Commission issued Orders denying the Motions for Reconsideration.¹ On March 10, 2009, Verizon requested that the Commission establish procedures necessary to address its pending Motion for Summary Final Order.

On March 20, 2009, Order No. PSC-09-0160-PCO-TP was issued establishing a due date for Intrado Comm's Response to Verizon's Motion for Summary Final Order. On March 27, 2009, an Order Modifying Procedure was issued establishing the hearing and other controlling dates. On this same date, Intrado Comm filed its Response to Verizon's Motion for Summary Final Order.

We are vested with jurisdiction over this matter pursuant to Section 364.012(2), Florida Statutes (F.S.), Section 120.57, F.S., and Section 252 of the 1996 Telecommunications Act.

¹ Order Nos. PSC-09-0155-FOF-TP and PSC-09-0156-FOF-TP.

Discussion of Issues

Issue 1: Should Verizon's Motion for Summary Final Order be granted?

Recommendation: No. Verizon's Motion for Summary Final Order should be denied because it fails to meet the legal standard for which a Summary Final Order may be granted. (Tan, Trueblood)

Staff Analysis: This issue addresses whether the Commission should grant Verizon Florida's Motion for Summary Final Order. Verizon argues that the Commission's recent decisions that Embarq and AT&T were not obligated to provide Intrado Comm interconnection under section 251(c) of the federal Telecommunications Act (Act) justifies granting its Motion for Summary Final Order. In response, Intrado Comm states that the issues in the Verizon arbitration are not the same as those in the Embarq and AT&T dockets and that there are no facts of record in this case because no testimony or discovery has been filed.

Standard of Review

Rule 28-106.204(4), Florida Administrative Code, provides:

Any party may move for summary final order whenever there is no genuine issue as to any material fact. The motion may be accompanied by supporting affidavits. All other parties may, within seven days of service, file a response in opposition, with or without supporting affidavits. A party moving for summary final order later than twelve days before the final hearing waives any objection to the continuance of the final hearing.

The purpose of summary judgment, or in this proceeding, summary final order, is to avoid the expense and delay of trial when no dispute exists concerning the material facts. The record is reviewed in the light most favorable toward the party against whom the summary judgment is to be entered. When the moving party presents a showing that no material fact on any issue is disputed, the burden shifts to his opponent to demonstrate the falsity of the showing. If the opponent does not do so, summary judgment is proper and should be affirmed. There are two requisites for granting summary judgment: first, there must be no genuine issue of material fact, and second, one of the parties must be entitled to judgment as a matter of law on the undisputed facts. See Trawick's Florida Practice and Procedure, §25-5, Summary Judgment Generally, Henry P. Trawick, Jr. (2008-2009).

Parties Arguments

Verizon

Verizon contends that the 911/E911 services that Intrado Comm seeks to obtain from Verizon are the same services that Intrado Comm sought from AT&T and Embarq. Verizon asserts that the services are described in all material respects, and in identical terms in Intrado

Comm's Petitions for Arbitration with AT&T, Embarq, and Verizon. Verizon states that based upon a comparison of the services identified in each of the three petitions, it is clear that Intrado Comm would not be originating calls but rather routing the emergency calls of other carriers.² Verizon argues that since all three of Intrado Comm's petitions describe the services that Intrado Comm intends to provide in the same manner, there is no genuine issue of material fact that prevents the Commission from granting its Motion for Summary Final Order.

Verizon contends that Intrado Comm uniformly characterized its services as "routing, transmission, and transport of traditional and non-traditional emergency call traffic to the appropriate public safety answering point (PSAP)," rather than origination.³ Verizon asserts that the price list that Intrado Comm has on file with the Commission also describes its 911/E911 service in the same way as it is described in Intrado Comm's petitions. Verizon argues the Commission has already decided that Intrado Comm is not entitled to the service it seeks from incumbents under Section 251(c) of the Act. (Verizon's Motion at 5) Verizon argues that since the services Intrado Comm is now seeking from Verizon are basically the same as those sought from AT&T and Embarq, the Commission's legal conclusion should be the same.

Verizon contends the policy considerations that, in part, lead to the Commission's decision in the AT&T and Embarq arbitration cases are relevant in this case and support the granting of Verizon's Motion for Summary Final Order.

Intrado Comm

In its Response, Intrado Comm argues that Verizon's Motion should be denied because:

- Verizon's motion fails to comply with the standard for a summary final order which requires the absence of any genuine issue as to any material fact. Since no facts are in the record for this arbitration, the Commission has no basis to rule that there are no disputed issues of material fact. The past decisions of the Commission where a summary final order has been granted were based upon facts from pleadings, responses from discovery questions, and affidavits.
- Verizon's motion is based upon the assumption that the record established in this arbitration will be exactly the same as the record for the AT&T and Embarq arbitrations. Verizon errs in its claim that a determining factor in this arbitration is whether Intrado Comm is providing telephone exchange service.⁴
- Verizon's motion includes issues that are outside of the scope set for the Commission to follow when conducting arbitrations under Sections 251 and 252 of the Act. The issues are limited to those presented by the Parties for

² See Verizon Motion for Summary Final Order at 3-4.

³ In Dockets Nos. 070699-TP and 070736-TP, the Commission found that a service which does not provide both origination and termination of calls cannot be considered a telephone exchange service for the definition purposes of 47 U.S.C. section 153(47). A company must provide telephone exchange service to qualify for Section 251(c) interconnection.

⁴ Intrado Comm's Response to Verizon's Motion at 6.

arbitration. (Response at 6) Specifically, the Commission is required to “limit its consideration ... to the issues set forth in the petition and in the response, if any.”⁵

Staff’s Analysis

There are two requisites for granting a summary final order: (1) no genuine issue as to any material fact exists; and (2) the moving party is entitled as a matter of law to the entry of a summary final order. To decide whether a genuine issue as to any material fact exists, the applicable substantive law must be determined and then compared with the facts in the record. If the comparison shows a genuinely disputed material factual issue, the summary final order must be denied, and the Commission cannot decide the issue. Even though the facts are not disputed, a summary judgment is improper if differing conclusions or inferences can be drawn from the facts.⁶

Under Florida law, “the party moving for summary judgment is required to conclusively demonstrate the nonexistence of an issue of material fact, and . . . every possible inference must be drawn in favor of the party against whom a summary judgment is sought.” Green v. CSX Transportation, Inc., 626 So. 2d 974 (Fla. 1st DCA 1993) (citing Wills v. Sears, Roebuck & Co., 351 So. 2d 29 (Fla. 1977)). Furthermore, “summary judgment should not be granted unless the facts are so crystallized that nothing remains but questions of law.” Moore v. Morris, 475 So. 2d 666 (Fla. 1985); City of Clermont, Florida v. Lake City Utility Services, Inc., 760 So. 2d 1123 (5th DCA 2000).

The Commission has historically found that if there is no genuine issue of material fact and that the moving party is entitled as a matter of law, then summary final order should be issued.⁷ Staff believes that Verizon has failed to prove that there exists no genuine issue as to any material fact. Staff believes that Florida law establishes that a party moving for summary final judgment must show conclusively the absence of any genuine issue of material fact. Verizon has offered that granting the order early in this proceeding would prevent the expense and delay of litigation. However, if the record reflects the existence of any issue of material fact, possibility of an issue, or even raises the slightest doubt that an issue might exist, summary judgment is improper.⁸ The burden is on Verizon to prove that no genuine issue of material fact exists and that Verizon is entitled as a matter of law to the entry of the final order.⁹ In this proceeding, staff believes that without additional evidence beyond Intrado Comm’s initial petition and Verizon’s response, there can be different reasonable interpretations of the facts.¹⁰ The Commission needs to gather additional information through the discovery process to

⁵ 47 U.S.C. §252(b)(4)(A) and Order No. PSC-96-0933, at 2 (July 17, 1996) which states that the Commission consideration is limited to issues raised by the petition and the response.

⁶ Trawick’s Florida Practice and Procedure, §25-5, Summary Judgment Generally, Henry P. Trawick, Jr. (2008-2009).

⁷ Order No. PSC-05-0702-FOF-TP, p. 12, issued June 29, 2009; Order No. PSC-01-1427-FOF-TP, p. 13, issued July 3, 2001.

⁸ Albelo v. Southern Bell, 682 So. 2d 1126 (Fla. 4th DCA 1996).

⁹ Christian v. Overstreet Paving Co., 679 So. 2d 839 (Fla. 2nd DCA 1996).

¹⁰ McCraney v. Barberi, 677 So.2d 355 (Fla.1st DCA 1996).

determine if there are genuine issues of material fact. Staff notes that on April 8, 2009, Verizon served its First Set of Interrogatories and Production of Document Requests to Intrado Comm.

Staff believes that Verizon has not met the standard necessary to grant a motion for a summary final order because it has not made a conclusive showing that there is no genuine issue of material fact or that it is entitled to judgment as a matter of law on the undisputed facts. Absent any testimony and discovery to establish a factual basis for granting the Motion, staff recommends that the Motion be denied. Alternatively, the Commission may consider Verizon's Motion for Summary Final Order as premature, until there is a full evidentiary record and defer ruling at this time.¹¹

¹¹The Commission has also found that the suitable time to seek summary final order, if appropriate, is after testimony has been filed and discovery has ceased. See Order No. PSC-00-2388-AS-WU, issued December 13, 2000, in Docket No. 991437-WU and Order No. PSC-02-1464-FOF-TL issued October 23, 2002.

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1 or defers ruling on the motion for summary final order, this docket should remain open. If the Commission grants the motion for summary final order, this docket should be closed. (Tan)

Staff Analysis: If the Commission approves staff's recommendation in Issue 1 or defers ruling on the motion for summary final order, this docket should remain open. If the Commission grants the motion for summary final order, this docket should be closed.

Attachment 3

Dulaney L. O'Roark III
Vice President & General Counsel, Southeast Region
Legal Department



5055 North Point Parkway
Alpharetta, Georgia 30022

Phone 678-259-1449
Fax 678-259-1589
de.oroark@verizon.com

April 29, 2009 – **VIA ELECTRONIC MAIL**

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 080134-TP
Petition by Intrado Communications, Inc. for arbitration to establish an
interconnection agreement with Verizon Florida LLC, pursuant to Section 252(b)
of the Communications Act of 1934, as amended, and Section 364.162, F.S.

Dear Ms. Cole:

On December 18, 2008, Verizon Florida LLC ("Verizon") filed a Motion for Summary Final Order in this docket. Verizon hereby withdraws that Motion without prejudice and retains the right to seek a summary order at a later point. Because Verizon is withdrawing its Motion, I understand it will be removed from the Commission's agenda for its May 5, 2009 meeting.

If there are any questions regarding this filing, please contact me at (678) 259-1449.

Sincerely,

s/ Dulaney L. O'Roark III

Dulaney L. O'Roark III

tas

c: Parties of Record (via electronic mail)

Attachment 4

FLORIDA PUBLIC SERVICE COMMISSION

5

VOTE SHEET

May 5, 2009

Docket No. 080134-TP – Petition by Intrado Communications, Inc. for arbitration to establish an interconnection agreement with Verizon Florida LLC, pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Section 364.162, F.S.

Issue 1: Should Verizon's Motion for Summary Final Order be granted?

Recommendation: No. Verizon's Motion for Summary Final Order should be denied because it fails to meet the legal standard for which a Summary Final Order may be granted.

WITHDRAWN

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves staff's recommendation in Issue 1 or defers ruling on the motion for summary final order, this docket should remain open. If the Commission grants the motion for summary final order, this docket should be closed.

WITHDRAWN

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
04287 MAY-6 8
FPSC-COMMISSION CLERK

Attachment 5

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Intrado Communications Inc.)	Docket No. 080134-TP
for arbitration to establish an interconnection)	
agreement with Verizon Florida LLC, pursuant)	
to Section 252(b) of the Communications Act)	
of 1934, as amended, and Section 364.12, F.S.)	Dated: April 27, 2009

**INTRADO COMMUNICATIONS INC.'S OBJECTIONS AND RESPONSES TO
FIRST SET OF INTERROGATORIES OF VERIZON FLORIDA LLC
TO INTRADO COMMUNICATIONS INC.**

Intrado Communications Inc. ("Intrado Comm") responds to the First Set of Information Requests ("Requests") from Verizon Florida LLC ("Verizon") pursuant to Fla. R. Civ. P. 1.340 as follows. Any answers provided by Intrado Comm in response to these Requests are provided subject to, and without waiver of, the following general objections.

GENERAL OBJECTIONS

1. Intrado Comm reserves all objections as to relevance and materiality. Where Intrado Comm submits responses and produces materials in response to the Requests, it does so without conceding the relevancy or materiality of the information or materials sought or produced, or their subject matter, and without prejudice to Intrado Comm's right to object to further discovery, or to object to the admissibility of proof on the subject matter of any response, or to the admissibility of any document or category of documents, at a future time. Any disclosure of information not responsive to the Requests is inadvertent and is not intended to waive Intrado Comm's right not to produce similar or related information or documents.

2. Intrado Comm objects to the Requests to the extent they seek information protected by the attorney-client privilege, the work-product doctrine, or other applicable

privileges and protections. Intrado Comm hereby claims all applicable privileges and protections to the fullest extent implicated by the Requests and excludes privileged information and materials from its responses. Any disclosure of such information or materials as a result of Intrado Comm's responses or otherwise is inadvertent and is not intended to waive any applicable privileges or protections.

3. Intrado Comm objects to the Requests to the extent that Verizon attempts to impose upon Intrado Comm obligations different from, or in excess of, those imposed by Florida Public Service Commission ("Commission") orders in this proceeding or Florida law.

4. Intrado Comm objects to all Information Requests that seek information about Intrado Inc. or any other Intrado Comm affiliate. Intrado Inc. and other affiliates are not parties to this proceeding and information regarding them is beyond the scope of this proceeding and not likely to result in admissible evidence in this proceeding.

Subject to and without waiving the foregoing General Objections, each of which are incorporated by reference into the responses below as if fully restated therein, Intrado Comm provides the following responses to the Requests. Intrado Comm's responses are based on the best information presently available; Intrado Comm reserves the right to amend, supplement, correct or clarify answers if other or additional information is obtained, and to interpose additional objections if deemed necessary.

REQUESTS

VERIZON FLORIDA #1

Is Intrado's Florida Price List No. 1, with an issue date of July 8, 2008 and effective date of July 9, 2008, posted on Intrado's website at <http://www.intrado.com/assets/documents/FloridaPriceList.pdf> Intrado's currently effective price list on file with the Florida Public Service Commission?

INTRADO COMM RESPONSE to No. 1

Yes.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

VERIZON FLORIDA #2

Does Intrado's Florida Price List No. 1 on file with the Florida Public Service Commission govern Intrado's services on a statewide basis? If your answer is anything other than an unconditional yes, please explain how and why Intrado's Price List No. 1 does not apply on a statewide basis.

INTRADO COMM RESPONSE to VZ No. 2

Yes, Intrado Comm's Florida Price List No. 1, as may be amended, will govern the services it intends to provide on a statewide basis.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

VERIZON FLORIDA #3

Please list and describe the services Intrado plans to provide in Verizon's service territory in Florida.

INTRADO COMM RESPONSE to VZ No. 3

Intrado Comm plans to offer its Intelligent Emergency Network® 911 services to authorized public safety answering points ("PSAPs"), local exchange services that provide enterprise customers access to designated public safety answering points, and administrative line local exchange service (collectively, "911 Services"). The Intelligent Emergency Network® 911 services are specifically described in Intrado Comm's Florida tariff. The other 911-related local exchange services to be offered to PSAPs and enterprise customers are traditional local exchange services.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

VERIZON FLORIDA #4

Are the services Intrado plans to provide in Verizon's service territory the same as the services Intrado plans to provide in AT&T's and Embarq's service territories in Florida? If your answer is anything other than an unconditional yes, please list and fully describe the additional or different services Intrado will provide in Verizon's territory as compared to the services Intrado will provide in AT&T's and Embarq's service territories in Florida.

INTRADO COMM RESPONSE to VZ No. 4

Yes.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

VERIZON FLORIDA #5

Will the services for which Intrado seeks an interconnection agreement with Verizon permit Intrado's customers to place outgoing calls? If your answer is anything other than an unconditional no, please explain how the services for which Intrado seeks interconnection would enable Intrado's customers to place outgoing calls.

INTRADO SPECIFIC OBJECTION to VZ No. 5

Intrado Comm objects to this request to the extent it seeks proprietary, confidential and commercially sensitive information, and information that is beyond the scope of this proceeding

INTRADO COMM RESPONSE to VZ No. 5

Without waiving its objection to this request, Intrado Comm states that yes, all of Intrado Comm's services are technically capable of allowing PSAPs and enterprise customers to make outgoing calls. This functionality is provided to Intrado Comm's Intelligent Emergency Network® 911 service customers upon their request. Where activated, PSAP personnel may initiate a call to the PSTN at any time from any work position. The technology used by Intrado Comm to enable Intelligent Emergency Network® 911 service customers to make outgoing calls is proprietary and confidential. Local exchange services offered to enterprise customers for access to designated PSAPs and administrative line local exchange services provided to PSAPs rely on traditional routing, switching and interconnection arrangements necessary for providing such services over the public switched telephone network.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

VERIZON FLORIDA #6

Will Intrado's Intelligent Emergency Network offer Intrado's customers the ability to call back a 911 or E91 1 caller? If your answer is anything other than an unconditional no, please explain how Intrado's Intelligent Emergency Network will offer Intrado's customers the ability to call back a 911 or E91 1 caller?

INTRADO COMM RESPONSE to VZ No. 6

Yes, Intrado's service will offer E911 Service customer's the ability to call back a 911 caller from the call taker's work position. The technology used by Intrado Comm to enable such capability is proprietary and confidential. However, E911 Customers may request not to activate the call origination option, as call takers placing outgoing calls are not available to receive highly critical incoming 911 calls when an outgoing call is in process.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

VERIZON FLORIDA #7

Has Intrado entered into any commercial agreements with local exchange carriers to provide its 911/E911 services in any state(s)? If so, please provide the name of the local exchange carrier(s) with which Intrado has such agreements, the dates such agreements were executed, and the state(s) in which they apply.

INTRADO SPECIFIC OBJECTION to VZ No. 7:

Intrado Comm objects to this request as irrelevant and beyond the scope of this proceeding.

INTRADO COMM RESPONSE VZ No. 7

Without waiving its objection to this request, Intrado Comm has not entered into any commercial agreements with local exchange carriers to provide its 911 Services.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

VERIZON FLORIDA #8

Is Intrado negotiating commercial agreements to provide its 911/E911 services in any part of Florida? If so, please explain where Intrado plans to provide its services under commercial agreements in Florida.

INTRADO SPECIFIC OBJECTION to VZ No. 8:

Intrado Communications objects to this request as it attempts to elicit information that is irrelevant, seeks proprietary and confidential commercially sensitive information, and is beyond the scope of this proceeding.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

VERIZON FLORIDA #9

Where does Intrado propose to place the point(s) of interconnection with Verizon?

INTRADO COMM RESPONSE

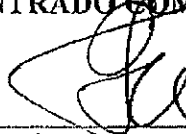
Intrado will establish a minimum of two points of interconnection within the state of Florida. The specific location of its points of interconnection will be driven by network planning, customer demand, and the availability of collocation in ILEC facilities.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

Respectfully submitted this 27th day of April, 2009.

INTRADO COMMUNICATIONS INC.



Craig W. Donaldson
Senior Vice President - Regulatory &
Governmental Affairs

Rebecca Ballesteros
Assistant General Counsel

Thomas Hicks
Director - Carrier Relations

Intrado Communications Inc.
1601 Dry Creek Drive
Longmont, CO 80503
720-494-5800 (telephone)
720-494-6600 (facsimile)

Cherie R. Kiser
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Suite 950
Washington, DC 20006
202-862-8950 (telephone)
202-862-8958 (facsimile)
ckiser@cgrdc.com

Floyd R. Self, Esq.
Messer, Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, Florida 32308
850-425-5213 (telephone)
850-558-0656 (facsimile)
fself@lawfla.com

Its Attorneys

CERTIFICATE OF SERVICE

The undersigned hereby acknowledges that a copy of INTRADO COMMUNICATIONS INC.'S OBJECTIONS AND RESPONSES TO VERION FLORIDA LLC'S FIRST SET OF INTERROGATORIES was served by electronic mail this 27th day of April 2009 upon the following:

Lee Eng Tan, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard *Oak* Blvd.
Tallahassee, FL 32399-0850

Dulaney O'Roark, Esq.
Verizon
P.O. Box 110, MCFLTC0007
Tampa, FL 33601

Mr. David Christian
Verizon Florida LLC
1 06 East College Avenue, Suite 7 10
Tallahassee, FL 32301-7721

Rebecca Ballesteros
Intrado, Inc.
1601 Dry Creek Drive
Longmont, CO 80503

Chérie R. Kiser
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Suite 950
Washington, DC 20006-1181



Floyd R. Self, Esq.

Attachment 6

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Intrado Communications Inc.)	Docket No. 080134-TP
for arbitration to establish an interconnection)	
agreement with Verizon Florida LLC, pursuant)	
to Section 252(b) of the Communications Act)	
of 1934, as amended, and Section 364.12, F.S.)	Dated: April 27, 2009

**INTRADO COMMUNICATIONS INC.'S OBJECTIONS AND
RESPONSES TO VERIZON FLORIDA LLC'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 1-2)**

Intrado Communications Inc. ("Intrado Comm") responds to the First Request for Production of Documents ("Requests") from Verizon Florida LLC ("Verizon") pursuant to Florida Rules of Civil Procedure Fla. R. Civ. P. 1.340. Any information provided by Intrado Comm in response to these Requests are provided subject to, and without waiver of, the following general objections.

GENERAL OBJECTIONS

1. Intrado Comm reserves all objections as to relevance and materiality. Where Intrado Comm submits responses and produces materials in response to the Requests, it does so without conceding the relevancy or materiality of the information or materials sought or produced, or their subject matter, and without prejudice to Intrado Comm's right to object to further discovery, or to object to the admissibility of proof on the subject matter of any response, or to the admissibility of any document or category of documents, at a future time. Any disclosure of information not responsive to the Requests is inadvertent and is not intended to waive Intrado Comm's right not to produce similar or related information or documents.

2. Intrado Comm objects to the Requests to the extent they seek information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges and protections. Intrado Comm hereby claims all applicable privileges and

protections to the fullest extent implicated by the Requests and excludes privileged information and materials from its responses. Any disclosure of such information or materials as a result of Intrado Comm's responses or otherwise is inadvertent and is not intended to waive any applicable privileges or protections.

3. Intrado Comm objects to the Requests to the extent that Verizon attempts to impose upon Intrado Comm obligations different from, or in excess of, those imposed by Florida Public Service Commission ("Commission") orders in this proceeding or Florida law.

4. Intrado Comm objects to all Information Requests that seek information about Intrado Inc. or any other Intrado Comm affiliate. Intrado Inc. and other affiliates are not parties to this proceeding and information regarding them is beyond the scope of this proceeding and not likely to result in admissible evidence in this proceeding.

Subject to and without waiving the foregoing General Objections, each of which are incorporated by reference into the responses below as if fully restated therein, Intrado Comm provides the following responses to the Requests. Intrado Comm's responses are based on the best information presently available; Intrado Comm reserves the right to amend, supplement, correct or clarify answers if other or additional information is obtained, and to interpose additional objections if deemed necessary.

VERIZON FLORIDA DOCUMENT REQUEST #1

Please provide copies of all commercial agreements Intrado has entered with local exchange carriers in any state(s) to provide 911/E911 Services.

INTRADO COMM Specific Objection to VZ No. 1

Intrado Communications Inc. ("Intrado Comm") objects to this request for documents as they seek proprietary and confidential information not relevant to Intrado Comm's request for Interconnection pursuant to Section 251 of Act..

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

VERIZON FLORIDA DOCUMENT REQUEST #2

Intrado's Petition for Arbitration filed in this docket on March 4, 2008, at 6, refers to Intrado's "agreements with Qwest." Please provide all such agreements with Quest.

INTRADO COMM RESPONSE to VZ No. 2

The interconnection agreements referenced are a matter of public record and available from the State public utilities commissions of Iowa, Minnesota, Nebraska, North Dakota, Wyoming, Idaho, Colorado, Montana, New Mexico, Oregon, and Washington.

RESPONSIBLE PERSON:

Thomas Hicks, Director – Carrier Relations

Respectfully submitted this 27th day of April, 2009.

INTRADO COMMUNICATIONS INC.



Craig W. Donaldson
Senior Vice President - Regulatory &
Governmental Affairs

Rebecca Ballesteros
Assistant General Counsel

Thomas Hicks
Director - Carrier Relations

Intrado Communications Inc.
1601 Dry Creek Drive
Longmont, CO 80503
720-494-5800 (telephone)
720-494-6600 (facsimile)

Chérie R. Kiser
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Suite 950
Washington, DC 20006
202-862-8950 (telephone)
202-862-8958 (facsimile)
ckiser@cgrdc.com

Floyd R. Self, Esq.
Messer, Caparello & Self, P.A.
2618 Centennial Place
Tallahassee, Florida 32308
850-425-5213 (telephone)
850-558-0656 (facsimile)
fself@lawfla.com

Its Attorneys

CERTIFICATE OF SERVICE

The undersigned hereby acknowledges that a copy of INTRADO COMMUNICATIONS INC.'S OBJECTIONS AND RESPONSES TO VERIZON FLORIDA LLC'S FIRST SET OF DATA REQUESTS was served by electronic mail this 27th day of April 2009 upon the following:

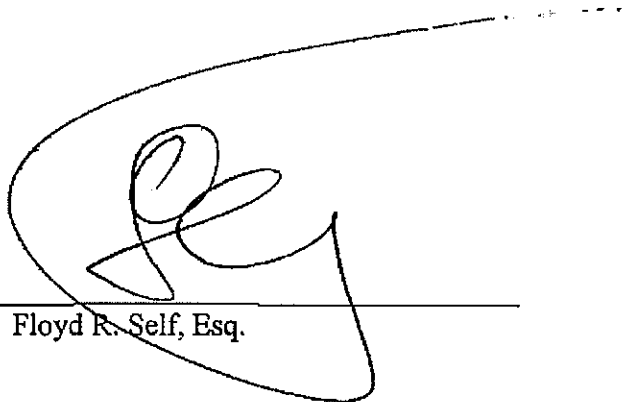
Lee Eng Tan, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dulaney O'Roark, Esq.
Verizon
P.O. Box 110, MCFLTC0007
Tampa, FL 33601

Mr. David Christian
Verizon Florida LLC
1 06 East College Avenue, Suite 7 10
Tallahassee, FL 32301-7721

Rebecca Ballesteros
Intrado, Inc.
1601 Dry Creek Drive
Longmont, CO 80503

Chérie R. Kiser
Cahill Gordon & Reindel LLP
1990 K Street, N.W., Suite 950
Washington, DC 20006-1181

A large, stylized handwritten signature in black ink, appearing to read 'F. Self', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Floyd R. Self, Esq.